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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/213,907	12/17/1998	JASON JAMES HOOPER	AT9-98-561	6252

7590 11/20/2002  
LAW OFFICE OF JOSEPH R. BURWELL  
P.O. BOX 28022  
AUSTIN, TX 78755-8022

EXAMINER

VU, THONG H

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 11/20/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/213,907

Applicant(s)

HOOPER ET AL.

Examiner

Thong H Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 September 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

1. This office action is in response to Request for Reconsideration filed 9/03/02. Claims 1-23 are pending. The rejection cited as stated below.

***Response to Arguments***

2. Applicant's arguments filed 9/03/02 have been fully considered but they are not persuasive to overcome the prior art.

(A).As per claims 1,10,17,22,23, applicant argues the prior art does not teach a managed object associated to each application type.

Examiner notes the prior art taught object manager operates not limited to the primary object manager for that object type [Khoyi col 10 lines 9-22] or unlimited variety of object types [Khoyi col 9 lines 45-60]; object management operations can performed on file based objects such as: create object, delete object, copy objected. [Khoyi col 15 lines 53-65]; if the copy data of a type that can not be stored in the destination object, then a new object of a type that can stored the data will be created [Khoyi col 16 lines 34-51]; the association between object type, operation to be performed, and corresponding object manager is performed through the object manager table [Khoyi col 3 lines 15-30, col 35 line 25-col 36 line 5].

(B).As per claims 1,10,17,22,23, applicant argues the prior art does not teach managing all instances of the application through the manager object.

Examiner notes the prior art taught the object manager handles the request from application by create a new process running an instance of the need [Khoyi col 34 lines

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35-45]. It is obvious the object manager can create a new process for any or all instances of the application.

3. Claims 1,10,17,22,23 are rejected under 35 U.S.C. § 103 as being obvious over Khoyi et al [Khoyi 6,101,527] in view of Jeffords et al [6,233,623 B1]

4. As per claims 1,10,17,22,23 Khoyi discloses a method of managing a set of clients in a distributed computer network having a management server, comprising the steps of:

associating a manager object to each application type on a given client [col 9 lines 38-col 10 line 29, col 13 lines 30-52]; and

managing all instances of the application through the manager object which is equivalent to the object managers are peer with each other and are children of the application manager [col 14 lines 40-45]. Khoyi also taught the object catalog for a link registry [col 70 lines 15-32]. However Khoyi is silent on the manager object including a registry having a set of one or more elements wherein each element includes information representing a context of an application instance. A skilled artisan would have motivation to improve the manager object on Khoyi's apparatus and found Jeffords teaching. Jeffords discloses a manager object including a registry having a set of one or more elements such as manger object having an associated set of memory pools and a registry of the network unique identifiers for the resource objects in the associated set of memory pools where each pool representing an RRM process which is equivalent to the element includes information representing a context of an application instance [col 10

lines 30-43, col 11 lines 20-62]. Khoyi-Jeffords also taught redirecting the modified query to the client machine [Khoyi col 43 lines 33-55][Jeffords col 15 lines 47-67].

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the registry with a set of memory pools as taught by Jeffords into the Khoyi's apparatus in order to improve the manager object. Doing so would provide a simple, dynamic and efficient process to the manager object of the distributed computing system.

Thus, the system and method of claims 1,10,17,22 and 23 is obvious in view of the combination of references.

5. As per claims 4,19 Khoyi-Jeffords disclose the element includes information identifying a client node such as user logon ID [Khoyi col 28 lines 50-60].

6. As per claims 5, 20 Khoyi-Jeffords disclose the element includes information identifying a directory where the application instance is installed [Jeffords col 14 lines 60-65].

7. As per claims 6,21 Khoyi-Jeffords disclose the element includes information identifying a name of a resource where the application instance such as object name [Khoyi col 26 lines 44-50][Jeffords col 12 lines 51-58].

8. As per claim 7, Khoyi-Jeffords disclose the application type is discovered by the manager object [Jeffords col 5 lines 20-30].

9. As per claims 8,15 Khoyi-Jeffords disclose including the step of discovering the application type prior to associating the manager object as inherent feature of a resource manager which manages the objects [Jeffords col 5 lines 20-30].

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10. As per claims 9,16 Khoyi-Jeffords disclose the manager object is managed by the management server [Jeffords col 7 lines 38-45].

11. Claims 2-3,11-12,18 are rejected under 35 U.S.C. § 103 as being obvious over Khoyi et al [Khoyi 6,101,527] in view of Jeffords et al [6,233,623 B1] and further in view of Bereiter [5,754,763]

12. As per claims 2,11 Khoyi-Jeffords is silent on the given client supports a dataless management framework. A skilled artisan would have looked to the distributed computer art to improve the Khoyi-Jeffords's system and found the Bereiter's teaching. Bereiter discloses a distributed computer enterprise environment using management server with one or more gateway machines and plurality of endpoint machines wherein the client component is preferably dataless [Bereiter col 4 lines 36-54]. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the technique using distributed computer system with dataless client as taught by Bereiter into the Khoyi-Jeffords's system in order to provide the stability and extensibility to the large enterprise network.

13. As per claims 3,12,18 Khoyi-Bereiter disclose the dataless management framework includes a local agent that is controlled by the manager object to manage the application instance as inherent feature of dataless management framework [Bereiter col 4 lines 36-54].

Thus, as explained above, the system and method of claims 1-23 is obvious in view of the prior art.

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26 **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Thong Vu, whose telephone number is (703)-305-4643.

The examiner can normally be reached on Monday-Thursday from 8:00AM- 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Mark Rinehart*, can be reached at (703) 305-4815.

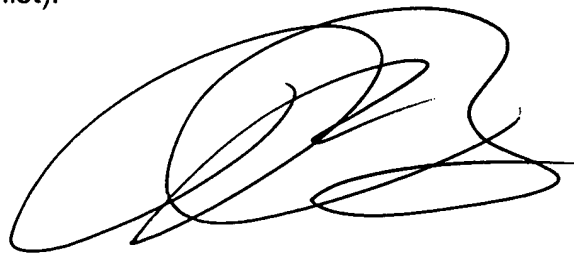
Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9700.

Any response to this action should be mailed to: Commissioner of Patent and Trademarks, Washington, D.C. 20231 or faxed to :

After Final (703) 746-7238  
Official: (703) 746-7239  
Non-Official (703) 746-7240

Hand-delivered responses should be brought to Crystal Park 11,2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

*Thong Vu*  
**Patent Examiner**  
**Art Unit 2142**



**MARK H. RINEHART**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2100**